

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THE UNITED STATES OF AMERICA,

Plaintiff,

THE AMERICAN WATERWAYS
OPERATORS, et al.

Intervenor-Plaintiffs,

v.

THE COMMONWEALTH OF
MASSACHUSETTS, et al.

Defendants,

THE COALITION FOR BUZZARDS BAY,

Intervenor-Defendant.

Civil Action No. 05-10112 JLT

NOTICE OF APPEAL

Notice is hereby given that The Coalition for Buzzards Bay, Intervenor-Defendant in the above-captioned case, hereby appeals to the United States Court of Appeals for the First Circuit from the final judgment entered in this action on July 24, 2006 (as set forth in a document of that date entitled "Order"). See Fed. R. App. P. 4(a)(1)(B).

By its attorneys,

/s/ Jonathan M. Ettinger

Jonathan M. Ettinger (BBO #552136)

Elisabeth M. DeLisle (BBO # 658067)

Foley Hoag LLP

Seaport World Trade Center West

155 Seaport Boulevard

Boston, MA 02210

(617) 832-1000

jettinger@foleyhoag.com

Dated: September 7, 2006

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THE UNITED STATES OF AMERICA,

Plaintiff,

THE AMERICAN WATERWAYS
OPERATORS, et al.

Intervenor-Plaintiffs,

v.

THE COMMONWEALTH OF
MASSACHUSETTS, et al.

Defendants,

THE COALITION FOR BUZZARDS BAY,

Intervenor-Defendant.

Civil Action No. 05-10112 JLT

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the following, which were filed via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 7, 2006:

1. Notice of Appeal by The Coalition for Buzzards Bay; and,
2. this Certificate of Service.

/s/ Jonathan M. Ettinger

Jonathan M. Ettinger (BBO #552136)

Foley Hoag LLP

Seaport World Trade Center West

155 Seaport Boulevard

Boston, MA 02210

(617) 832-1000

jettinger@foleyhoag.com

Dated: September 7, 2006